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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,011	11/03/2003	Ralph E. Wesinger JR.	NES-012COA	5849

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SIERRA PATENT GROUP, LTD.
P O BOX 6149
STATELINE, NV 89449

EXAMINER
HA, LEYNNA A

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary		Application No.	Applicant(s)
		10/701,011	WESINGER ET AL.
		Examiner	Art Unit
		LEYNNA T. HA	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-19 have been examined.

Claims 1-5 and 8-19 are rejected under 35 U.S.C. 102(e).

Claims 6-7 are rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-5 and 8-19 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Civanlar, et al. (5,617,540).

As per claim 1:

Civanlar discloses a load-sharing server sharing resources with a
plurality of servers connected to a computer network, the server comprising:

a network connection; **[col.3, lines 63-67]**

an association between servers containing the highest availability and
plurality of virtual hosts contained on a plurality of servers; and **[col.4, lines
40-45 and col.5, lines 38-48]**

a server, said server having the highest availability and being in
communication with said association, wherein at least one corresponding
virtual host provides a connection to a client over a computer network **[col.4,
lines 51-53]**, said client being in communication with said server over said
computer network connection. **[col.4, lines 56-58]**

As per claim 2:

Civanlar discloses a method of configuring a load-sharing server sharing
resources with a plurality of servers connected to a computer network, the
method comprising:

configuring an association between servers containing the highest
availability **[col.5, lines 10-15]** and plurality of virtual hosts contained on a
plurality of servers; and **[col.5, lines 38-48]**

configuring a server, said server having the highest availability and being
in communication with said association **[col.4, lines 40-45 and col.7, lines**

34-45], said at least one corresponding virtual host providing a connection to a

client over a computer network, said client being in communication with said

server over a network connection. **[col.4, lines 51-58]**

As per claim 3: See col.7, lines 34-45: discusses configuring static

information using a master configuration file to propagate the information.

As per claim 4: See col.4, lines 19-25: discusses configuring the server

comprises using a master configuration file to manage information accessed by

use of a virtual private network.

As per claim 5: See col.2, lines 27-31: discusses validating dynamic

configuration information.

As per claim 8: See col.1, lines 50-55 and col.2, lines 39-40: discusses

validating dynamic information comprises examining functionality of DNS-

based services.

As per claim 9: See col.1, lines 55-57 and col.5, lines 59-63: discussing

said server dynamically adding at least one of said computers to distributed

interconnection with other computers in a distributed set of system platforms.

As per claim 10: See col.2, lines 50-53: discusses adding is performed on a

real time basis.

As per claim 11: See col.1, lines 55-57 and col.5, lines 59-63: discussing

said server dynamically adding at least one of said computers to distributed

interconnection with other computers in a distributed set of subsystem

platforms.

As per claim 12: See col.2, lines 50-53: discussing adding is performed on a real time basis.

As per claim 13: See col.1, lines 55-57: discussing the server dynamically removing at least one of said computers from distributed interconnection with other computers in a distributed set of system platforms.

As per claim 14: See col.2, lines 50-53: discussing removing is performed on a real time basis.

As per claim 15: See col.1, lines 55-57: discussing said server dynamically removing at least one of said computers from distributed interconnection with other computers in a distributed set of subsystem platforms.

As per claim 16: See col.2, lines 50-53: discussing removing is performed on a real time basis.

As per claim 17:

Civanlar discloses a method of providing loadsharing using a plurality of computers, the method comprising:

receiving a network connection request; **[col.3, lines 2-5]**

accessing a database using DNS to select a computer from a plurality of computers, wherein the database includes availability data, configuration data, and load information corresponding to each computer in the plurality, **[col.1, lines 50-57]** dynamically performing loadsharing using the plurality of

computers based on load information, availability data, and configuration data;

and **[col.5, lines 10-65]**

   providing a connection to a client over a computer network, said client

being in communication with said server over a network connection. **[col.4,**

lines 51-58]

As per claim 18: See col.1, lines 50-55 and col.4, lines 42-45: discussing

using DNS to translate a universal resource locator (URL) into an Internet

protocol (IP) address.

As per claim 19: See col.5, lines 10-65: discussing the server using said

loadsharing agent to loadshare traffic requests received from said network

between selections from the group consisting of: computers connected to said

computer network and clients located on said computers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

3.   Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Civanlar, et al., and further in view of Ogawa, et al. (US 5,715,397).

As per claim 6:

Civanlar discloses a method of configuring a load-sharing server sharing resources with a plurality of servers connected to a computer network wherein configuring an association between servers containing the highest availability **[col.5, lines 10-15]** and plurality of virtual hosts contained on a plurality of servers **[col.5, lines 38-48]** providing a connection to a client over a computer network, said client being in communication with said server over a network connection. **[col.4, lines 51-58].** However, Civanlar fails to include controlling a sequence for running predetermined series of algorithms.

Ogawa discloses a flexible transfer and translation system wherein is capable of automatically receiving at the intermediate processing location, data from a wild variety of remote sources **[col.2, lines 23-25 and 46-49].** Ogawa also discusses using tests such as checksums and algorithm are known in the art for discerning whether the data of the file is complete and correct **[col.23, lines 20-25].**

Therefore it would have been obvious for a person of ordinary skills in the art to modify Civanlar to include controlling a sequence for sequentially of the running predetermined series of algorithms would be to ensure the quality of the file whether the file is accurate and complete.

As per claim 7:

Civanlar discloses a method of configuring a load-sharing server sharing resources with a plurality of servers connected to a computer network wherein configuring an association between servers containing the highest availability **[col.5, lines 10-15]** and plurality of virtual hosts contained on a plurality of servers **[col.5, lines 38-48]** providing a connection to a client over a computer network, said client being in communication with said server over a network connection. **[col.4, lines 51-58].** However, Civanlar fails to include controlling a sequence for running predetermined series of algorithms.

Ogawa discloses a flexible transfer and translation system wherein is capable of automatically receiving at the intermediate processing location, data from a wild variety of remote sources **[col.2, lines 23-25 and 46-49].** Ogawa also discusses using tests such as checksums and algorithm are known in the art for discerning whether the data of the file is complete and correct **[col.23, lines 20-25].**

Therefore it would have been obvious for a person of ordinary skills in the art to modify Civanlar to include controlling a sequence for sequentially of ' the running predetermined series of algorithms would be to ensure the quality of the file whether the file is accurate and complete.
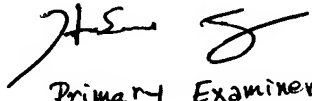
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lha

Primary Examiner

Art Unit 2135